

**APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA**

APR 18 1978

Date of filing in State Engineer's Office.....

Returned to applicant for correction.....

Corrected application filed.....

APR 18 1978

Map filed.....

The applicant Fay C. and Anne E. Barger

c/o Chilton Engineering, 421 Court of Elko
Street and No. or P.O. Box No. City or Town

Nevada 89801, hereby make... application for permission to appropriate the public
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is Underground Well #3
Name of stream, lake or other source.

2. The amount of water applied for is 8.0 cfs second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet..... acre-feet

3. The water to be used for Irrigation
Irrigation, power, mining, manufacturing, domestic, or other use.

4. If use is for:

(a) Irrigation (state number of acres to be irrigated) 5200 acres

(b) Stockwater (state number and kinds of animals to be watered).....

(c) Other use (describe fully under "No. 12. Remarks").....

(d) Power:

(1) Horsepower developed.....

(2) Point of return of water to stream.....

5. The water is to be diverted from its source at the following point: SW $\frac{1}{4}$ NW $\frac{1}{4}$ section 35, T40N,

R60E, MDM, at a point from which the SE corner of said section 35
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated.
bears S 62° 29' E 5889 feet

6. Place of use sections 25, 34, 35, 36 (all); E $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, section 26, all
Describe by legal subdivision, if on unsurveyed land it should be so stated.

in T40N, R60E, MDM; W $\frac{1}{2}$, section 30, T40N, R61E, MDM; all of sections
2, 3 and 11 and W $\frac{1}{2}$ W $\frac{1}{2}$, section 1, T39N, R60E, MDM

7. Use will begin about January 1 and end about December 31, of each year.
Day and Month Day and Month

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) drill and case well, equip with
deep well turbine and submersible pump powered by 180 hp diesel
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.
engine

9. Estimated cost of works.....\$185,000.00
10. Estimated time required to construct works.....3 years
11. Estimated time required to complete the application to beneficial use.....5 years
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water from this application to be co-mingled with that of
other sources within the above stated place of use

Applicant Fay C. and Anne E. Barger
Pro. 8/14/78 by Marys River Ranch
Overruled in part 8/3/79, Ruling #2487

By s/ William A. Nisbet
Agent, 421 Court
Elko, Nevada 89801

Compared lp/ga ja/dp

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to other ground water development in the area. A substantial weir or other type of measuring device must be installed and measurements of water use kept. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit is further subject to the following terms and conditions:

- No perforations of the casing shall be within 100 feet of ground surface. Any well not so constructed shall be modified to meet this condition.
- The wells shall be equipped with a 2-inch opening for measuring depth to water.
- A substantial measuring device shall be installed and measurement of water kept and submitted to this office prior to the first of each calendar year.

This permit is also subject to State Engineer's Ruling of August 3, 1979. The place of use is limited to 1,560 acres of original water right land and 1,040 acres as supplemental to Permits 33923 and 33924 within N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 25, E $\frac{1}{2}$ E $\frac{1}{2}$ Section 26, E $\frac{1}{2}$ Section 34, Section 35, NW $\frac{1}{4}$ Section 36, T.40N., R.60E., W $\frac{1}{2}$ W $\frac{1}{2}$ Section 1, Sections 2 and 11, NE $\frac{1}{4}$ Section 3, T.39N., R.60E., M.D.B. & M.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 6.0 cubic feet per second, but not to exceed a yearly duty of 3.0 acre-feet per acre of land irrigated from any and/or all sources.

Actual construction work shall begin on or before.....December 2, 1979

Proof of commencement of work shall be filed before.....January 2, 1980

Work must be prosecuted with reasonable diligence and be completed on or before.....December 2, 1979

Proof of completion of work shall be filed before.....January 2, 1980

Application of water to beneficial use shall be made on or before.....December 2, 1980

Proof of the application of water to beneficial use shall be filed on or before.....January 2, 1981

Map in support of proof of beneficial use shall be filed on or before.....January 2, 1981

Commencement of work filed.....DEC 7 1979

Completion of work filed.....DEC 7 1979

Proof of beneficial use filed.....JAN 2 1990

Cultural map filed.....JAN 2 1990

Certificate No. 12592 Issued DEC 3 1 1990

Recorded.....Bk.....Page.....

County Recorder

IN TESTIMONY WHEREOF, I WILLIAM J. NEWMAN
State Engineer of Nevada, have hereunto set my hand and the seal of
my office, this 2nd day of OCTOBER

A.D. 19 79

William J. Newman
State Engineer